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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,836	10/30/2003	Italo Busi	Q77975	7215
23373	7590	06/13/2007	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			PATEL, JATIN K	
		ART UNIT	PAPER NUMBER	
		2609		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/695,836	BUSI ET AL.
	Examiner Jatin K. Patel	Art Unit 2609

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 30 October 2003.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-15 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-3,7,8 and 15 is/are rejected.

7) Claim(s) 4-6 and 9-14 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 10/30/2003 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892) ✓
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 10/30/2003.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. .
5) Notice of Informal Patent Application
6) Other: .

Detail Action

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 7-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 7, recites limitation “count of received packets and number of octets”, “strip of the external MPLS header retrieving the stripped information”, “lookup for the destination of the incoming MPLS packet”, “next layer decision based at least on End_of_stack flag”, “next layer forwarding”, “TTL management”, and “if next-hop is not equipment ... “ are not clear steps since it is not easy to understand such as TTL management, next layer forwarding, if next hope is not equipment etc.

Regarding claim 8, recites limitation “in the outgoing direction, all the necessary MPLS labels are pushed during one MPLS header creation step” is unclear step since not easy to understand what are “all necessary”.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1-3**, are rejected under 35 U.S.C. 102(b) as being anticipated by Bakke (US 5,566,170 Oct 15, 1996).

Regarding claim 1, method of processing IP packets in telecom equipment comprising following steps:

Incoming direction: IP packet validation (Bakke teaches in Column 5, lines 1-10); Options field management (Bakke teaches in Column 5, lines 62-67); filtering (Bakke teaches in Column 2, lines 20-23); first next layer decision and forwarding (Bakke teaches in Column 7, lines 9-15)

Outgoing direction: redirect management (Bakke teaches in Column 2, lines 12-18); TTL management (Bakke teaches in Column 26, lines 25-40); source address management (Bakke teaches in Column 10, lines 53-60); options field management (Bakke teaches in Column 5, lines 62-67); packet fragmentation (Bakke teaches in Column 26, lines 18-30).

Regarding claim 2, IP packets originated from or destined to the equipment, according to claim 1 further comprising following steps:

Incoming direction: IP packet validation (Bakke teaches in Column 5, lines 1-10); packet reassembly (Bakke teaches in column 5, lines 13-21); options field management (Bakke

teaches in Column 5, lines 62-67); second next layer decision (Bakke teaches in Column 7, lines 9-15);

Outgoing direction: multiplexing IP payloads (Bakke teaches in Column 9, lines 50-55); options field management (Bakke teaches in Column 5, lines 62-67); generate IP header (Bakke teaches in Column 2, lines 8-16).

Regarding claim 3, IP packets to be emitted by equipment:

Incoming direction: lookup step performed in order to decide the destination of incoming packet (Bakke teaches in Column 10, lines 42-50);

Outgoing direction: lookup step is performed in order to decide destination of outgoing packet (Bakke teaches in Column 10, lines 60-65).

Allowable Subject Matter

Regarding claims 4-6, and 13-15, are objected as being dependent upon a rejected base claim 1, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Prior art of record does not teach about IP in IP tunneling and penultimate hop in incoming direction and steps described in claim 4.

Claims 9-12, are objected as being dependent upon a rejected base claim 7, but would be allowable if rewritten in independent form including all of the limitations of the base

claim and intervening claims. Prior art of record does not teach regarding MPLS packets penultimate hoping incoming direction and steps described in claims 9.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

"Shoita (US 2001/0021189 A1 Sep 13, 2001) disclosed regarding packet exchange and router and input packet processing method.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jatin K. Patel whose telephone number is 571-270-1839. The examiner can normally be reached on 8-5 Mon-Fri Est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Garber can be reached on 571-272-2194. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JP

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